

E/Km

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
INFORMAL BRIEF

No. 17-6387, Frederick Banks v. Dr. Allissa Marquez, et al
 5:17-ct-03064-F

1. Declaration of Inmate Filing

An inmate's notice of appeal is timely if it was deposited in the institution's internal mail system, with postage prepaid, on or before the last day for filing. Timely filing may be shown by:

- a postmark or date stamp showing that the notice of appeal was timely deposited in the institution's internal mail system, with postage prepaid, or
- a declaration of the inmate, under penalty of perjury, of the date on which the notice of appeal was deposited in the institution's internal mail system with postage prepaid. To include a declaration of inmate filing as part of your informal brief, complete and sign the declaration below:

Declaration of Inmate Filing	
Date NOTICE OF APPEAL deposited in institution's mail system: <u>Unknown but within ten days of Judgment & order</u>	
I am an inmate confined in an institution and deposited my notice of appeal in the institution's internal mail system. First-class postage was prepaid either by me or by the institution on my behalf.	
I declare under penalty of perjury that the foregoing is true and correct (see 28 U.S.C. § 1746; 18 U.S.C. § 1621).	
Signature: <u><i>Frederick Banks</i></u>	Date: <u>3/30/17</u>

2. Jurisdiction

Name of court or agency from which review is sought: US District Court for the Eastern District of North Carolina

Date(s) of order or orders for which review is sought:

Order & Judgment Dismissing case date unknown.

3. Issues for Review

Use the following spaces to set forth the facts and argument in support of the issues you wish the Court of Appeals to consider. The parties may cite case law, but citations are not required.

Issue 1. District Court erred because exhaustion of remedies is an affirmative defense Appellant did not have to plead exhaustion

Supporting Facts and Argument.

The District Court erred by dismissing the case for failure to exhaust administrative remedies because exhaustion is an affirmative defense Appellant did not have to Plead exhaustion in the Complaint. Also, because Appellant served more time than the ^{criminal} case carried by the US Sentencing Guidelines exhaustion was futile. The insanity

Defense Reform Act was being used to keep Appellant unlawfully confined and for delay of the criminal compensation case. Indeed Dr. Allison Marquez is a highly qualified Professional and an Amazing Doctor who was the first to recognize that Appellant's claim that he may have been under a FISA warrant and electronic surveillance may not be delusional under the FISA Act but is just a discovery claim. This is the exact claim that our own president recently made but Appellant made this claim in 2014. See USA v. Banks, 03-cr-245 (WOP) (Supervised release violation transcripts of October 2014).

In addition since Appellant's claims that he was set up by an FBI agent in a previous case have not been verified and he expects the setup is the reason he was rearrested this claim cannot be considered "delusional" either.

Issue 2. Appellant sought bona fide Mandamus relief and the Prison Litigation Reform Act does not apply to a Habeas Corpus or Mandamus petition

Supporting Facts and Argument.

The District Court erred in failing to also consider the Complaint as a bona fide Mandamus action because all those elements were met (In the alternative the Court erred in failing to allow Amendment of the Complaint under Fed R.Civ. Proc. 15 because no responsive pleading by Defendant had been filed)

In addition The Prison Litigation Reform Act does not apply to a Habeas Corpus or Mandamus petition where the underlying action is criminal like here in nature nor do those requirements under the PLRA apply here to Appellant who is a civilly committed person. In addition like the PLRA Habeas Corpus exhaustion should not be applied because Appellant is civilly committed and a mental patient. *Madden v. Myers* (3rd Cir.); *Troville v. Venez* (11th Cir.).

Issue 3. The District Court erred in dismissing the Motion to disclose FISA electronic surveillance under 50 USC 1806(f) because the FISA motion did not require a filing fee and The PLRA did not apply.

Supporting Facts and Argument.

The PLRA did not apply to the 50 USC 1806(f) FISA electronic surveillance motion Thus the District Court erred in dismissing the Motion to disclose FISA electronic surveillance under 50 USC 1806(f). Also, The FISA motion did not require a filing fee so the Court should have considered it. Appellant renews the FISA motion in this Court.

Issue 4. The District Court erred by failing to enjoin Defendants from holding a self v USA hearing.

Supporting Facts and Argument

The District Court erred by failing to enjoin Defendants from holding a self v USA hearing because it failed to consider that Appellant had already been confined for more time than the charges carried by the US Guidelines and several professionals had already testified that he was not dangerous in the underlying criminal case.

4. Relief Requested

Identify the precise action you want the Court of Appeals to take:

Discharge Appellant from custody. Reverse & Remand to the District Court with instructions to grant the petition. Appoint Counsel and a Guardian ad Litem (Fed. R. Civ. Proc. 17(c)(2)) for the Appeal, hold oral arguments, Grant the 50 USC § 1806(f) motion to disclose the FISA electronic surveillance, Enjoin Appellees from holding a Tell Hearing along with all other requested or warranted relief.

5. Prior appeals (for appellants only)

A. Have you filed other cases in this court? Yes ☒ No ☐

B. If you checked YES, what are the case names and docket numbers for those appeals and what was the ultimate disposition of each?

Banks v. Hornak, No. 16-6981 (4th cir.) Still pending oral argument scheduled for May 9, 2017.



Signature

[Notarization Not Required]

Frederick Banks

[Please Print Your Name Here]

CERTIFICATE OF SERVICE

I certify that on 3/30/17 I served a copy of this Informal Brief on all parties, addressed as shown below:

Ex. Allissa Marquez; Pp. Cahill; Jeff LeBlanc; Mark Hornak; Adrian Roe; Robert Cesar; Soe Sung; Donald Trump; Mike Pompeo; FBI; CIA; USA; Robert Warner; Sean Langford; Scott Smith; Cynthia Reed; Jody; Timothy; J.C. Holland; et al. c/o US Atty, 4000 J. Commerce, 700 Grant St, P.O. Box 15219



Signature

NO STAPLES, TAPE OR BINDING PLEASE

TRULINCS 05711068 - BANKS, FRÉDERICK H - Unit: BUH-H-B

FROM: 05711068
TO:
SUBJECT: FOR IMMEDIATE RELEASE
DATE: 03/31/2017 08:05:17 AM

United States Court
for the

FREDERICK BANKS TOLD IVANKA TRUMP THAT SHE AND THE TRUMP CAMPAIGN WERE UNDER FISA ELECTRONIC SURVEILLANCE IN NOVEMBER 2016 AND TOLD IVANKA TO LEAVE THE TRUMP ORGANIZATION

Pittsburgh Pennsylvania - Frederick Banks a rock musician and Wiccan of the gothic electronic band Vampire Nation, the post punk band July and federal prisoner claimed that Ivanka Trump, President Donald Trump and the Trump Campaign were under FISA electronic surveillance in a CIA "Telepathic Behavior Modification" (Search "Telepathic" at www.cia.gov) at a September 29, 2016 Competency Hearing in Federal Court and was lambasted by the Judge as being "Delusional with a Paranoid flavor" See USA v. Banks 15CR168 (WCPA)(et Doc 205 Competency Hearing Transcripts). Since that time President Trump has claimed himself he was under a FISA Warrant and Senator Nunes head of the Intelligence Committee investigation into the matter recently disclosed to Trump and the Press that Trump's conversations may have been "Incidentally collected" under FISA.

Banks was committed to the custody of the Attorney General of the USA and a Federal Mental Hospital by the Judge Mark Hornak at the hearing.

On 11/7/2016 Banks sent Ivanka Trump a letter to Trump Tower addressed to Ivanka and the Trump Organization which stated that the Trump Campaign was under electronic surveillance. In the same letter he also told Ivanka Trump that she should leave the Trump Organization to avoid "the shadow that is currently being cast over..." her. In December 2016 CNN reported that Ivanka Trump left the Trump Organization and that President Trump allowed top secret security clearances for both Ivanka and her husband Gerald Kushner. The letter to Ivanka Trump was drafted by Banks in the Bureau of Prison's "electronic request to staff" and is a BOP Agency Record available under the Freedom of Information Act. Banks was found incompetent to proceed on federal charges and is currently hospitalized for treatment at a Federal Medical Center in Butner North Carolina. He claims he has no mental illness.

Banks also claimed at a separate hearing in October, 2014 that there was a FISA Warrant on himself and that he was unlawfully placed under electronic surveillance. The government prosecutor Robert Cessar, an Assistant US Attorney in Pittsburgh PA when requested by the court to investigate later stated "I cannot confirm or deny the existence of a FISA Warrant on Mr. Banks" See USA v. Banks 03-CR-245 (WCPA)(Transcripts of Supervised Release Violation October 2014).

Banks stated that the FISA Warrant was illegal because he is a US Citizen with no foreign government ties and is neither a foreign power or an agent of a foreign power and also during the relevant times he was in the United States. In addition he claimed that the only reason he is in a mental hospital is that the Psychology evaluators, the court, his counsel and the government counsel will not verify his statements they say he is delusional for making.

In a report authored by Dr. Heather Ross, Ross stated that Banks is delusional because of the statement that in 2003 his ex-fiance Meredith Bondi told him while in a meeting with her attorney Cynthia Reed Eddy and FBI agent Timothy Phinichy, Phinichy brandished/threatened his firearm at Bondi and "placed it on a table facing" her while he drilled her with questions. Banks provided Bondi's address and phone number to Ross and Dr. Alesia Marquez his current evaluator at FCC Butner, NC Ross did not verify the statement made to Banks by Bondi and Marquez has yet to do so. Bondi can be contacted at 412-751-5681. Ross also found Banks to be delusional because Banks claimed that he may have been under CIA electronic surveillance and there may have been a FISA Warrant placed on him in 2011. As Banks pointed out at the 2016 Competency hearing Ross knew nothing about the FISA technology and electronic surveillance that he discussed and because even AUSA Cessar could not confirm or deny the FISA Warrant on Banks Ross who doesn't have the proper security clearances (FISA Warrant's are classified) could not have known if there was a FISA Warrant on Banks or not yet Ross willfully, intentionally and negligently used these statements to cause to have Banks lodged into a mental institution.

Banks is best known for his pioneering work with the Gothic Electronic band Vampire Nation. www.mtv.com/artist/vampire-nation

Contact: Frederick Banks, #05711068, FMC, PO Box 1600, Butner, NC 27509

Google: "Frederick Banks"
certificate of service - I hereby certify that on this 31st day of March, 2017 I served a true and correct copy of the foregoing by mail delivery upon the following: Robert Cessar, AUSA Donovan Coates; Rebecca Ross Haywood, 4000 US Courthouse, 700 Grant Street, Pittsburgh, PA 15219 Frederick Banks

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TRULINCS 05711068 - BANKS, FRÉDERICK H - Unit: BUH-H-B

FROM: 05711068
TO: Business Office
SUBJECT: ***Request to Staff*** BANKS, FRÉDERICK, Reg# 05711068, BUT-N-A
DATE: 11/07/2016 10:49:39 AM

To: let to inv
Inmate Work Assignment: Education

Frederick Banks
05711068
PO Box 1000
Butner, NC 27509

Ivanka Trump
Trump Organization
Trump Tower
New York, NY 10017

Dear Ivanka,

Hello. I'm a Rock Musician (See Vampire Nation at www.mtv.com/artist/vampire-nation & Vampire Nation Breathless & Calafia at itunes.com), Investor, Filmmaker, Photographer, Author, Artist and Litigator among other things from Pittsburgh, PA. I became familiar with your father in the 80's when he published The Art of the Deal. At the time I was working for Blinder Robinson in Pittsburgh an Investment Bank. You are my favorite Trump btw. I think you should break from the Trump organization and go on your own to make your own way. Investors such as Buffet, Branson and Trump have worked for 50 or more years to achieve their financial success but they don't have the wealth secrets that I do. I've made more money in just a few years than they have made in over 50 and did it with far less work. See Frederick Banks @ [facebook.com](https://www.facebook.com/frederickbanks) (at atm receipt from 2011 showing a balance of over 99 Million Dollars). Knowing what I know about the markets and what it takes to be successful I think you would do far better off on your own than under the shadow that is currently cast over you.

I'm writing this letter ahead of the election results. And FYI it doesn't matter to me one way or the other who gets into office. I have never voted in any election but I did want to tell you this. The US Election process is completely controlled. The CIA has the technology to do this which is called electronic surveillance. Targeted individuals call it electronic harassment. See interviews with Dr. John Hall, author of guinea pigs and a new breed of satellite terrorism in America & Dr. Robert Duncan, a CIA scientist at youtube.com; "targeted individual" at youtube.com; Search "Telepathic" at cia.gov (revealing fols documents from the CIA's telepathic behavior modification program). The CIA is it's own agency now and has come out from under the arm of the state department. The technology I speak of they have had in use for over 50 years. A project called MK Ultra was the start of it (Search MK Ultra at wikipedia). Bottom line is the fix is in. If Trump loses the election it is the CIA controlling the results and nothing more. They have been doing this for a very long time and many many people are out exposing this. See Freedom From Covert Harassment www.freedomfch.com (stating that there are 300,000 victims of CIA electronic harassment and 75% of them are women). Thus, whoever is at the head of the system doesn't matter to me because the entire system is a facade and most don't know how this country really operates. For many electronic harassment is a daily nightmare and the USA and it's agents are engaged in a cover up of mass proportions to the likes that we have never seen before.

I apologize for all the gloom and doom of this correspondence but I did want to give you my take on things. Perhaps I'll have from you and even receive that picture (hint hint). If you respond do so by mail because I don't currently have access to the internet. Also, we should do lunch sometime when I'm in a position to do so. I'm frequently through London or have you over been to Evia the island (Athens Greece)? Take care,

Frederick Banks
www.facebook.com/hamiltonbrownfmc
hamiltonbrownfmc@gmail.com

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Inmate Work Assignment: Education

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PO Box 1000
Butner, NC 27509

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Trump Organization
Trump Tower
New York, NY 10017

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Frederick Banks
www.facebook.com/hamiltonbrownfmc
hamiltonbrownfmc@gmail.com

TRULINCS 05711068 - BANKS, FREDERICK H - Unit: BUH-H-B

FROM: 05711068
TO: Ps, E
SUBJECT: RE: RE: order RE: USA v. Banks 03-CR-245 (WDPa) M
DATE: 03/24/2017 12:03:52 PM

ok thanks.
-----Ps, E on 3/24/2017 11:51 AM wrote:

>

Yes that's correct

FREDERICK H BANKS on 3/23/2017 5:53:02 PM wrote
the mail here is delayed I'm thinking if you don't have it by the 1st of april I'm going to resend it. So the total cost is \$15.00
minus the \$4.41 in the account correct?
-----Ps, E on 3/23/2017 3:51 PM wrote:

>

We check the mail every day!
We charge 3.75 per email sent, but having to add multiple contacts to it, we would charge 7.50 for larger email to go out.

FREDERICK H BANKS on 3/23/2017 1:21:48 PM wrote
almost forgot what is the exact amount you need to do the order? I have now given you the phone number for Ms. Bondi so you
don't have to do a look up and I only need a single email not multiple (CC'd to all parties.) Thanks.
-----Ps, E on 3/23/2017 11:51 AM wrote:

>

Frederick we have never received an order with 32 stamps in it. You still only have the 4.41 on account with us. Everything is
still on hold.

Thanks
C

FREDERICK H BANKS on 3/22/2017 8:36:56 PM wrote
I got the number for Meredith Bondi so you don't have to charge me for that and again I want it sent in ONE SINGLE email to all
parties. The number is 412-751-5661 Thank you again. You may have to leave a message and have her call you back just FYI.
-----Ps, E on 3/22/2017 6:36 PM wrote:

>

Frederick,

The cost for this request will be 25.00 for phone number search, call and multiple emails and s/h. You currently have \$4.41 on
account - an additional 20..59 is needed.

Thanks,
Bob

FREDERICK H BANKS on 3/17/2017 1:57:49 PM wrote
From: Frederick Banks, 05711068, FMC PO Box 1600, Butner, NC 27509
To: EPS (Elite Paralegal, LLC), PO Box 1717, Appleton, WI 54912-1717 Tel: 920.749.1060

Dear EPS, I mailed your payment in for this order did you receive it yet? I need you to make a call and send me an email with
the results.

1. go to whitepages.com and look up the phone number for Meredith Bondi, 6118 Meade Street, McKeesport, PA. The
number is also listed under Frank Bondi.
2. Call Meredith, the best time to call is in the evening after 6pm EST or on weekends. When you get her on the phone ask

TRULINCS 05711068 - BANKS, FREDERICK H - Unit: BUH-H-B

her this:

"Do you remember a meeting you went into in 2003 with your attorney Cynthia Reed Eddy and FBI agent Timothy Pivnichy where the FBI agent pulled out his gun on you and placed it on a table while he questioned you with the barrel facing you. This was right before and the same day you testified in front of a Grand Jury in downtown Pittsburgh at the US Courthouse on Grant Street" Also ask her if she remembers telling Frederick Banks about this after she returned home (we were living together at the time.) Ask her if anyone from the FBI or anyone else interviewed her about this recently (in the last 3 or 4 years) after it happened and did she ever mention the incident to anyone else besides me?

3. Send me an email and letter which includes the name and contact info of the person at EPS who talked to her. If you can send it in Declaration form under perjury that would be good also.

4.. If Meredith Bondi remembers and confirms this also forward a copy of the email to the following address with what she said when you send it to me:

robert.cessar@usdoj.gov

amarquez@bop.gov

hross@bop.gov

brian_babik@pawd.uscourts.gov

joy_conti@pawd.uscourts.gov

mark_hornak@pawd.uscourts.gov

aroe@roelawoffice.com

hamiltonbrownllc@gmail.com

jjacobs68@bloomberg.net

LnavratilL@postgazette.com or pg.com

robert.bernstein@kirkland.com

In your email and letter please provide exactly what meredith stated and include a copy of this email to you. Thank you!

-Frederick Banks

www.mtv.com/artist/vampire-nation

Nds 16-3794 and 16-4182

Following reply in apposition to
Hypocrites Motion for the order to
stay cause

applicant

مجلس شورای ملی

I hereby certify that on the 22nd day of December, 1906 I issued a tax and license receipt for the purpose by next delivery upon the following:

161. 57 1620

Adrian W. Lee, Esq.
Regent University School of Law
600 Fort Belvoir
Falls Church, VA 22044

Frederick R. Webb

related extent all which are immediately dependent

Contact: Frederick Banks, 05711088, FMC, PO Box 1600, Butner, NC 27509
hexagonrecords@icloud.com
www.facebook.com/hexandthecity

Lehrbuch, 2. Aufl.

Frederick Banks, # 05711068

Name: Number:

Federal Medical Center

P.O. Box 1600

Butner, NC 27509

INSPECTED

APR 07 2017

Clerk, United States Court of Appeals
for the Fourth Circuit
1100 East Main Street
Suite 501
Richmond, Virginia 23219

U.S.

MARSHALS